

# **Exhibit 1**

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7 *Attorneys for Plaintiffs*

8 [Additional Counsel Listed on Signature Page]  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 (OAKLAND DIVISION)  
13

14 MEIJER, INC. & MEIJER DISTRIBUTION,  
INC., on behalf of themselves and all others  
15 similarly situated,

16 Plaintiffs,

17 v.

18 ABBOTT LABORATORIES,

19 Defendant.

20 ROCHESTER DRUG CO-OPERATIVE,  
INC., on behalf of itself and all others  
21 similarly situated,

22 Plaintiff,

23 v.

24 ABBOTT LABORATORIES,

25 Defendant.  
26

27 --[caption continues on next page]—  
28

Case No. C 07-5985 CW

**[PROPOSED] PRETRIAL ORDER NO. 1  
REGARDING CONSOLIDATION AND  
MANAGEMENT**

Case No. C 07-6010 CW

**Hon. Claudia Wilken**

1 LOUISIANA WHOLESALE DRUG  
2 COMPANY, INC., on behalf of itself and all  
3 others similarly situated,

4 Plaintiff,

5 v.

6 ABBOTT LABORATORIES,

7 Defendant.

Case No. C 07-6118 CW

**Hon. Claudia Wilken**

8 WHEREAS, Plaintiffs Rochester Drug Co-operative, Inc., Meijer, Inc., Meijer  
9 Distribution, Inc., and Louisiana Wholesale Drug Co., Inc. ("Plaintiffs") have filed complaints  
10 (the "Direct Purchaser Class Complaints") in the above-referenced actions for alleged violations  
11 of the antitrust laws involving the brand name prescription drugs Norvir and Kaletra, pursuant to  
12 Section 2 of the Sherman Act, 15 U.S.C. § 2;

13 WHEREAS, Plaintiffs seek to proceed on behalf of a proposed class of direct  
14 purchasers of Norvir and/or Kaletra from defendant Abbott Laboratories ("Abbott"); and,

15 WHEREAS, consolidation of the Direct Purchaser Class Complaints and any  
16 other future like actions will avoid unnecessary costs and promote the efficient conduct of  
17 proceedings herein;

18 WHEREAS, Plaintiffs request entry of this Order, and Abbott does not oppose its  
19 entry;

20 NOW, THEREFORE, THE COURT ORDERS:

21 **I. CONSOLIDATION**

22 1. This Order shall govern and control the procedure for the litigation of each  
23 of the above-listed class actions, and all "tag along" class action cases—cases which assert or  
24 purport to assert class action claims arising from or relating to the operative facts and allegations  
25 contained in the Direct Purchaser Class Complaints—that are subsequently filed in or transferred  
26 to this Court (collectively, the "Consolidated Direct Purchaser Class Action"). All such actions  
27 are hereby consolidated for all purposes until further order, pursuant to Fed. R. Civ. P. 42(a).  
28

2. The existing Consolidated Amended Complaint filed in *Meijer, Inc. & Meijer Distribution, Inc. v. Abbott Laboratories, Inc.*, No. C 07-5985 CW (N.D. Cal.), shall operate as the operative Consolidated Complaint. All papers hereafter filed in the Consolidated Direct Purchaser Class Action shall bear the caption of the earliest-filed Direct Purchaser Complaint, *Meijer, Inc. & Meijer Distribution, Inc. v. Abbott Laboratories, Inc.*, No. C 07-5985 CW (N.D. Cal.). The complaints in Civil Action Nos. 07-6010, 07-0618 & 07-144 are dismissed without prejudice.

3. Defendant Abbott Laboratories has already answered the Consolidated Amended Complaint in the *Meijer* action.

4. The terms of this Order shall not have the effect of making any person, firm, or corporation a party to any action in which he, she or it has not been properly named, served, or joined, in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the consolidation ordered herein, and Abbott's agreement not to oppose the entry of this Order, shall not constitute a waiver by any party of any claims in or defenses to any of the actions, including defenses based on personal jurisdiction.

5. When an action that properly belongs as part of the Consolidated Direct Purchaser Class Action (pursuant to paragraph I.1 of this Order) is hereinafter filed in this Court or transferred to this Court, Plaintiffs' Co-Lead Counsel (*see* paragraph II.1 of this Order) shall serve a file-endorsed copy of this Order upon attorneys for plaintiff(s) in the newly-filed or transferred action, and upon the attorneys for any new defendant(s) in the newly-filed or transferred cases, and file such notice and proof of service with this Court. Objections to consolidation or application of the other terms of this Order to such cases shall be promptly filed, with a copy served on counsel for Plaintiffs.

## **II. ORGANIZATION OF COUNSEL**

1. The Court designates the following to act as Co-Lead Counsel on behalf of all plaintiffs in the Consolidated Direct Purchaser Class Action, with the responsibilities hereinafter described:



KAPLAN FOX & KILSHEIMER, LLP  
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2. Co-Lead Counsel, working together in a coordinated fashion, shall have sole authority over the following matters on behalf of all plaintiffs in the Consolidated Direct Purchaser Action: (a) convening meetings of plaintiffs' counsel; (b) initiation, response, scheduling, briefing, and argument of all motions; (c) the scope, order, and conduct of all discovery proceedings; (d) making such work assignments among themselves and other counsel as they may deem appropriate; (e) collecting time and expense reports from all plaintiffs' counsel on a periodic basis; (f) the retention of experts; (g) designation of which attorneys shall appear at hearings and conferences with the Court; (h) the timing and substance of any settlement negotiations with defendant(s); (i) the allocation of fees, if any are awarded by the Court; and (j) other matters concerning the prosecution of the Consolidated Direct Purchaser Action.

3. In addition to Co-Lead Counsel, the Court designates the following to serve on an Executive Committee, comprised of themselves and Co-Lead Counsel with the responsibilities hereinafter described:

1 ODOM & DES ROCHES, LLP  
2 John Gregory Odom  
3 Stuart E. Des Roches  
4 John Alden Meade  
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6 650 Poydras Street  
7 New Orleans, LA 70130  
8 Tel: (504) 522-0077  
9 Fax: (504) 522-0078

10 THE SMITH FOOTE LAW FIRM, LLP  
11 David P. Smith  
12 W. Ross Foote  
13 720 Murray Street  
14 P.O. Box 1632  
15 Alexandria, LA 71309  
16 Tel: (318) 445-4480  
17 Fax: (318) 487-1741

18 4. The Executive Committee shall perform the functions of the litigation as  
19 directed by Co-Lead Counsel.

20 5. The Court designates the following firms to act as Other Class Counsel,  
21 which shall perform the functions of the litigation as directed by the Co-Lead Counsel and/or the  
22 Executive Committee:

23 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP  
24 Joseph R. Saveri  
25 Eric B. Fastiff  
26 Brendan Glackin  
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6. No motion or other pleadings shall be initiated or filed on behalf of any Plaintiffs in the Consolidated Direct Purchaser Action except through Co-Lead Counsel or their designees.

7. Time Records: All Plaintiffs' counsel in the Consolidated Direct Purchaser Action shall keep contemporaneous time records and shall periodically submit summaries or other records and expenses to Co-Lead Counsel or their designees.

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2008:

\_\_\_\_\_  
United States District Judge